

From: Matt Squires
To: Microsoft ATR
Date: 1/22/02 11:49pm
Subject: Microsoft Settlement

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Hi Renata,

First, let me apologize in the event you have received another email from me with much of the same content. I recently had to reload my Windows due to chronic instability, and after the fresh install of Windows, the Netscape email software I go out of my way to download and install didn't work at all for some reason, and I had to find alternate software. With my new software, I still don't know my way around, and inadvertently hit the "send" button on a half-finished email. How embarrassing. Of course, since I'm writing to let you know about the damage Microsoft's abuse of their monopoly has caused the average user, this may be a telling example, and a taste of the average Windows experience. If you can, please remove the other, unfinished copy of my email from your records, as it is disjointed, garbled, and incomplete.

I am a longtime Microsoft Windows user (not by choice), and I have been constantly disappointed over the years by the weak judgments handed out against Microsoft time after time by the legal system. I am even MORE disappointed by the fact that Microsoft has blatantly broken the already lenient terms set out by the government in the past, and has not been amply punished for their disobedience in any way whatsoever. Justice is more than a judgment on a piece of paper. The "appearance" of justice is also important, and that is one thing that is sorely lacking, especially in this most recent case. From what I've seen so far, Microsoft has won again, managing to get watered-down restrictions that won't slow their assault on the consumer and their competition in the least. Most people have told me not to even bother writing this letter to you, that the government is either:

- a) paid off by Microsoft, or
- b) under orders by George Bush to let Microsoft go free regardless of findings of fact

This is the current public perception. Of course, I am hoping that neither of these foul possibilities is the case, and that there still is a chance to have a fair and reasonable set of terms and conditions set down in the Final Judgment.

I ask that the Department of Justice strengthens the terms and conditions against Microsoft in the Final Judgment SEVERELY. I have read the information at the DoJ website concerning the Microsoft antitrust case, and I do not feel you have gone far enough to create a level playing field for all parties in the technology marketplace. Looking at the ideas put forth on <http://www.usdoj.gov/atr/cases/f9500/9549.htm>, I am afraid that these restrictions will not force Microsoft to:

- a) change their savage anticompetitive tactics,
- b) lose marketshare to superior, more deserving products, or
- c) understand that they are being punished for their behavior.

They have made hundreds of billions of dollars directly because of their abuse of their monopoly, and this judgment should attempt to counterbalance that gain, since the power they have gained in the last 10 years of domination has guaranteed their stranglehold for the next 20. This judgment feels like it is a good step in "starting clean", but it does not punish Microsoft for their past offences. They have still profited greatly from their crimes. And the inroads they have made into all walks of digital life are a great barrier to competition, even if a level playing field were miraculously established.

I am a Canadian, so what I say may not hold as much sway with your department. But the results of this case will, and should, have worldwide ramifications. Canadians, Germans, Australians, Africans, Japanese people, and the rest of the world, are ALL feeling the negative effects of the Microsoft monopoly. I personally feel that I have suffered greatly because of Microsoft's business practices. As a user, I DIRECTLY relate their influence and predatory policy to the downfall of many technologies that

were superior or more popular at the time of Microsoft's attacks on the competition. I, as a consumer, have suffered because of their abuse of their position. I have had my choice and options restricted by their behavior.

I wish I could switch to another operating system to become Microsoft-free, but Microsoft has been giving out Microsoft Office CD's free with OEM computers long enough that they have pretty much killed Corel's Wordperfect Suite (among others), which used to have the 90% market share that Office now enjoys. And since I receive documents daily in the proprietary Word, Excel, and Powerpoint formats, I am forced to use Microsoft's product whether I like it or not. When a customer sends me a Purchase Order in Word XP format, I not only have to use Microsoft Word to open it, I have to buy the new Microsoft Word "XP" version, simply to open the file! And then when I send correspondence to another customer or supplier, they in turn have to buy Word XP in order to open my document. It's a vicious cycle, propagated by one thing - Microsoft's closed, proprietary formats.

I sincerely believe that there is no chance of Microsoft changing their ways unless the API's and proprietary document formats that they rely on to extend and maintain their unfair monopoly are opened up for non-Microsoft use, with a different license than the one offered on MSDN. If Microsoft determines the licensing (as is in your COMPETITIVE IMPACT STATEMENT, they determine how the information can be used. This doesn't help competition with Microsoft, it only helps Microsoft themselves. They may gain additional control through changing their licensing, and nobody can stop them, since we all rely on their droppings of information to survive in the software world. Programmers beg for table scraps of information from MS because we can't get it ourselves. Please promote freer licensing terms and more open spreading of the Microsoft specification sheets so the maximum number of programmers (from ALL Operating Systems) can become compatible with Microsoft's software, thus breaking the reliance on one company for so many electronic transmissions. Please consider forcing open the formats that Microsoft currently holds secret for a reason, or please consider having Microsoft use the most "open" format as their default instead of the most proprietary (ie RTF instead of DOC, etc.) There are perfectly good Open formats that can replace Microsoft's predatory and proprietary closed formats. Please give full communication with other vendor's software a chance by pushing for openness rather than secrecy. I would switch to another operating system if I wasn't forced by my customers and the people I deal with to transmit almost all data in specific, proprietary, closed Microsoft-only formats. Microsoft won by forcing their proprietary formats to be the default in the market, thus killing all non-MS software instantly; give competition an opportunity to "get in the game" by forcing standardization and openness into the industry that made billions on secretive formats and purposeful exclusion of competitors. Computers and the Internet are tools of communication; Microsoft is the greatest hindrance to open communication in the world today. Please help build a strong and OPEN foundation for the world's communications infrastructure for the future.

As long as they have the weight of their Windows monopoly to use as a club, the situation can only get worse. And if you don't act -decisively- now, we may not get another chance. There will be a lot less evidence in the next Microsoft case, since they're shredding all emails now to prevent them being subpoena'd in the future. This is your one chance to right the wrongs of capitalism gone awry. If this case doesn't break Microsoft's legs, in five years from now, they will have trampled all their competition to death. That sounds harsh, but only because Microsoft constantly claims they are the victim in this case. They're not. I am. The consumer. The programmer who would compete with Microsoft if there was any hope. If you want, I can name names of companies with superior products that are gone solely because of Microsoft's behavior and the results of their freedom to abuse their monopoly. Microsoft is so far ahead of the competition in this "free market race", that the competition Microsoft has already crippled and left crawling, like Apple, Corel, and Netscape, will only catch up if Microsoft's legs are broken in kind. If you have mercy, be certain Microsoft will not. Someone will be broken, you decide if it is Microsoft

or another victim.

In the news recently, Microsoft has bought much of Silicon Graphics' Patent Portfolio, specifically the patents for OpenGL, which is in direct competition with Microsoft's own DirectX. By buying the patents of the dying competition (SGI also has no air supply), Microsoft can LEGALLY kill the 3D and gaming capabilities of ALL non-Microsoft Operating Systems. Apple will die. They based their new operating system on heavily on OpenGL. Linux will die. Like Apple, they don't have access to Microsoft's DirectX (obviously), and rely heavily on OpenGL to give their system functionality. Who will buy a computer if their kids can't play games on it, especially when Microsoft owns the Office genre and won't allow anyone else to communicate with their product? There's nothing else left. Microsoft owns it all. They have their fingers in with hardware producers now, who will have to exclude other operating systems from their designs in order to appease Microsoft. This isn't relevant to your case, but it is an example of the complete lack of respect Microsoft has for your verdict. They aren't worried in the least. And their business plans continue unaffected and unharmed. They will buy everything that is competition and bury it specifically to harm others. <http://www.theregister.co.uk/content/54/23708.html>

I hope that you will consider my points as you decide what to do to bring equity to the PC market.

I'm sorry for being so wordy (and waxing poetic (badly) in a few places), but as a guy who works on computers 12-15 hours a day, Microsoft has honestly lowered my quality of life, and I'd hate to see them get out of yet another trial unscathed. Which, unfortunately, is what looks like is happening. Bill Gates admitted it when he said "We haven't changed our business practices at all."

Think about it. This may be the last Microsoft case that will ever matter.

Best Regards,
Matthew Squires

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